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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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HEATHER FOSTER,

Plaintiff,

Case No. 3:18-cv-00438-MMD-CBC

vs.

WASHOE COUNTY,

Defendant.

**STIPULATION AND ORDER TO  
VACATE DEADLINES FOR CASE  
MANAGEMENT CONFERENCE AND  
DISCOVERY PLAN/SCHEDULING  
ORDER PURSUANT TO LR 26-4**

COME NOW the parties herein, by and through respective undersigned counsel of record and hereby stipulate and agree pursuant to LR 26-4 as follows:

Defendant Washoe County has filed a Motion to Dismiss (ECF #8) based on the legal question as to the applicability of the Uniform Services Employment and Reemployment Rights Act ("USERRA") to Ms. Foster's position as a FEMA Individual Assistance Reservist. At this juncture, a Case Management Conference is scheduled in this matter for December 2, 2019 at 9:00 a.m. In addition, a Discovery Plan/Scheduling Order is due by September 27, 2019.

The parties agree that good cause exists to vacate and hold in abeyance those scheduled deadlines, as well as all other related deadlines, as the resolution of this case hinges on this legal issue. The parties that such action is in their best interests in keeping the cost of this litigation

1 to a minimum by eliminating unnecessary pretrial activities, as well as being in the interest of  
2 the Court in conserving its resources, pending adjudication of the Motion to Dismiss.

3 Accordingly, the parties stipulate and agree to vacate the Case Management Conference  
4 scheduled in this matter for December 2, 2019 at 9:00 a.m., and the deadline to submit the  
5 Discovery Plan/Scheduling Order of September 27, 2019, and all other related deadlines. Upon  
6 the adjudication of the Motion to Dismiss, those deadlines will be reset if still necessary.

7 This is undersigned counsels' first request for an extension of the Case Management  
8 Conference date or the deadline for the Discovery Plan/Scheduling Order.

9 This stipulation to extend said deadlines are being submitted to the Court more than 21  
10 days before the expiration of the subject deadlines.

11 .Dated this 20<sup>th</sup> day of August, 2019

/s/ Terri Keyser-Cooper

Terri Keyser-Cooper, Esq.  
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ATTORNEY FOR PLAINTIFF  
HEATHER FOSTER

16 Dated this 20th day of August, 2019

CHRISTOPHER J. HICKS  
District Attorney

17 By /s/ Herbert B. Kaplan

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ATTORNEY FOR DEFENDANT  
WASHOE COUNTY

22 **ORDER**

23 **IT IS SO ORDERED.**

24  
25 Dated this 22<sup>nd</sup> day of August 2019

26   
United States Magistrate Judge